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September 10, 2008

## MCA-MDT Technical Committee Meeting Minutes

David Blair opened the meeting with introductions. MCA pointed out the anti-trust policy included with the attendance sheet, and reminded members to read and abide by the policy.

### **OLD BUSINESS ISSUES**

**1. Fuel Price/Asphalt Adjustment.** MCA stated there are three major oil suppliers that the contractors do business with: MRC, Exxon and Cenex. MCA stated that MRC and Cenex set a price with the buyer and no price adjustment is specified in the contract. MCA stated that Exxon has an adjustment factor in their contract, but the adjustment formula is different than MDT's. MDT is meeting September 16<sup>th</sup> to review the asphalt adjustment provision.

MCA questioned the limit of 10 items for fuel price adjustment, particularly on large projects with numerous subcontractors. MDT will look at the current limit of 10 items. MDT is considering allowing Contractor notification of participation in the fuel price adjustment by the Notice to Proceed date or Pre-construction conference, with submission of the items at the pre-construction conference.

**2. Specification for Bid Documentation Requirements.** MDT is considering changing the three day submission requirement to five. MCA stated that it is challenging to prepare, compile, and submit bid documents within 3 days of the letting. MCA is concerned with the confidentiality of bid documents after they are opened and become public information. This could possibly allow competitors legal access to review bid documents. MDT stated that this has not been a problem in the past and, except for claim situations, will only consider opening bid docs if the bid is outside of the award guidelines or has items that appear to be unbalanced. MDT will attempt a resolution with the Contractor and will only open the bid docs if serious issues remain. MDT suggested that MCA work with their legal staff to determine if they can claim a privacy interest that exceeds the merits of public disclosure.

**3. Continuous Length HDPE Conduit.** MDT stated that the Traffic and Safety Bureau has accepted the use of continuous length HDPE conduit. It is successfully being used on various projects statewide. The required specification revision will be pursued. This Item will be removed from next month's agenda.

**4. Traffic Control Rate Schedule.** MDT encouraged MCA to comment. Comments are due by the end of September. This item will be removed from next month's agenda.

**5. Civil Rights / EEO.** The disparity study has not been completed. MDT will report results when complete.

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## **MDT NEW BUSINESS**

**1. Summary of Proposed Specification Revisions.** MDT briefly discussed this month's specification changes for Aug/Sept. MCA will submit any written comments by the due date of September 12.

**2. Bid Proposal Reading.** Bid proposals will no longer be read at 10:00. They will be read as soon as they are opened and checked for responsiveness. MCA asked if the process could be broadcast live by web cam. MDT responded that this was evaluated in the past and there were issues raised by the Department of Administration. Polycom may be a possibility.

**3. Funding Issues.** MDT announced that the highway trust fund is near depletion. The Notice to Proceeds for the August letting are on hold until this funding issue is resolved. Future lettings may be in jeopardy if the problem is not resolved at the national level. This is a nationwide transportation funding issue, not just Montana.

**4. Future Technical Committee Meetings.** The Director has sent a letter to the MCA Board suggesting the Executive and Technical Committee meetings be combined and moving the meeting to MDT headquarters. MDT would make available the statewide Polycom sites for Contractors to attend the meetings in the district/area offices who would not otherwise make the trip to Helena. Holding the meetings at MDT may also increase participation from Contractors and consultants who are in the industry but not MCA members.

## **MCA NEW BUSINESS**

**1. Suppliers and Subcontractors.** MCA commented that it would be beneficial to contractors if MDT would allow subcontractors to perform minor "on the spot" subcontract work without being an approved subcontractor in special circumstances. Typically, on small dollar work items MCA stated it is inefficient for the Contractor and MDT to fill out the required paper work and obtain special permits required on work items where a supplier could easily complete the work at the time of delivery. MCA asked if MDT could pre-approve subcontractors, or allow work without a subcontract for work below a certain dollar amount, or for predetermined work items. MDT will further review this issue.

**2. Utilities for Test Trailers.** MCA questioned if they can be required to provide power to MDT test trailers if it is not a bid item. MDT responded that Subsections 106.05 and 210.03.6 require the Contractor to furnish power. The bid item is test trailer transport and setup and is bid by the mile. This is a recent issue to comply with concrete cylinder curing on remote projects that did not anticipate a test trailer. MDT will review this issue.

**3. Water cure and finish on bridge decks.** The bridge special provision requires the water cure be started as soon as possible without damaging the concrete finish but no later than 15 minutes after striking off and finishing the surface. MCA stated that the 15 minute

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requirement is often in direct conflict with the requirement to not damage the concrete (too soon). MDT will review this special provision.

**4. Pile Driving.** MCA stated that requiring 72 hours of standby time at Contractor expense was raising the cost to MDT because this expense has to be included in their bid. MDT advised that a current draft specification revision has been written and will be released for comment the first part of October. This revision has standby time of 24 hours at Contractor expense and anything beyond that will be paid by force account.

**5. Epoxy Striping.** MCA stated that striping contractors would like to extend the application of epoxy markings beyond 45 calendar days after seal and cover requirement, as stated in 620.03.6 (D). With Holidays, weekends, and weather days they often have a window of 4 or 5 days instead of the 15. MCA requested that the 30 to 45 calendar days be changed to working days. MDT stated that they would review the time limit but that it will remain calendar days. MDT is also concerned that extending the time may cause a problem with weather delays in the fall that could result in Epoxy not being applied until spring. We could have interim stripe through the winter and that is a safety concern.

*The next meeting is tentatively scheduled for October 8, 2008, at 10:00 AM at the MCA office in Helena. This may change after the discussion between the Director and the MCA Board.*